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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,320	10/30/2001	Balaji S. Holur	062891.0508	8274

5073 7590 10/19/2006

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EXAMINER

FOX, BRYAN J

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 10/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,320

Applicant(s)

HOLUR ET AL.

Examiner

Bryan J. Fox

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4, 6, 7, 9-12, 14, 15, 17-20, 22, 23, 25-28, 30, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al (US006119014A) in view of Laflin et al (US005705995A), and further in view of Kadyk (WO 99/35778).

Regarding **claim 1**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed "out-of-band message" because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a

Art Unit: 2617

location indicator, which includes a location area where the MS should be when the SMS message is displayed (see column 5, lines 26-35). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the MS (see column 5, line 36 – column 6, line 3), which reads on the claimed invention that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed “pushed data” because they originate from a supplier (server-initiated). The above description reads on the claimed “analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria,” wherein the predetermined criteria is the subscriber’s subscription to the particular service, such as “Sports service,” or “News service.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39). The combination of Alperovich et al and Laflin fails to expressly disclose the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session.

In a similar field of endeavor, Kadyk discloses a system where a message is compared with filtering criteria to determine whether to accept or reject the message (see e.g. figure 11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al and Laflin et al with Kadyk to include the above filtering function in order to provide only information desired by the user, conserving power and space as suggested by Kadyk (see page 22, line 9 – page 23, line 20).

Regarding **claim 2**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed “dynamic data”, and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al

column 4, lines 33-37), which reads on the claimed “analyzing the data to determine if it is static or dynamic; and storing the data if it is static.”

Regarding **claim 3**, the combination of Alperovich et al, Laflin et al and Kadyk discloses the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed “analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic”.

Regarding **claim 4**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed “determining if the data is dynamic, whether to store the data; and storing the dynamic data if it should be stored”.

Regarding **claim 6**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed “determining whether a trigger has been met for stored dynamic data”. Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed “determining, if a trigger has been met, whether the data is

appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "posting the data to the session if the data is appropriate".

Regarding **claim 7**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "detecting the initiation of a session; determining whether stored static data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "posting the stored data to the session if the stored data is appropriate".

Regarding **claim 9**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed "out-of-band message" because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS

Art Unit: 2617

message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed (see column 5, lines 26-35). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 36 – column 6, line 3), which reads on the claimed invention that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. These processes occur at the mobile station, which reads on the claimed invention that uses a computer processable medium with logic stored on the medium to perform the above functions. Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed “pushed data” because they originate from a supplier (server-initiated). The above description reads on the claimed “analyzing the message to determine if it contains pushed data,

wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the predetermined criteria is the subscriber's subscription to the particular service, such as "Sports service," or "News service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39). The combination of Alperovich et al and Laflin fails to expressly disclose the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session.

In a similar field of endeavor, Kadyk discloses a system where a message is compared with filtering criteria to determine whether to accept or reject the message (see e.g. figure 11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al and Laflin et al with Kadyk to include the above filtering function in order to provide only information desired by the user, conserving power and space as suggested by Kadyk (see page 22, line 9 – page 23, line 20).

Regarding **claim 10**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that a message can be displayed at a certain time (see Alperovich et al

column 4, lines 52-65), which reads on the claimed “dynamic data”, and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed “analyzing the data to determine if it is static or dynamic; and storing the data if it is static”.

Regarding **claim 11**, the combination of Alperovich et al, Laflin et al and Kadyk discloses the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed “analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic”.

Regarding **claim 12**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed “determining if the data is dynamic, whether to store the data; and initiate storing the dynamic data if it should be stored”.

Regarding **claim 14**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich column 4, lines 52-65), which reads on the claimed “determine whether a trigger has been met for stored dynamic data”. Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent

messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed “determine, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit”. Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed “post the data to the session if the data is appropriate”.

Regarding **claim 15**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed “detect the initiation of a session; determine whether stored static data is appropriate for a session currently being hosted by the mobile unit”. Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed “post the stored data to the session if the stored data is appropriate”.

Regarding **claim 17**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed “out-of-band message” because it is not carried out on the same

Art Unit: 2617

channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3), which reads on the claimed invention that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed “pushed data” because they originate from a supplier (server-initiated). The above description

reads on the claimed "means for analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the predetermined criteria is the subscriber's subscription to the particular service, such as "Sports service," or "News service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39). The combination of Alperovich et al and Laflin fails to expressly disclose the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session.

In a similar field of endeavor, Kadyk discloses a system where a message is compared with filtering criteria to determine whether to accept or reject the message (see e.g. figure 11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al and Laflin et al with Kadyk to include the above filtering function in order to provide only information desired by the user, conserving power and space as suggested by Kadyk (see page 22, line 9 – page 23, line 20).

Regarding **claim 18**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed “dynamic data”, and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed “means for analyzing the data to determine if it is static or dynamic; and means for storing the data if it is static”.

Regarding **claim 19**, the combination of Alperovich et al, Laflin et al and Kadyk discloses the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed “analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic”.

Regarding **claim 20**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6, lines 4-34), which reads on the claimed “means for determining, if the data is dynamic, whether to store the data; and means for storing the dynamic data if it should be stored”.

Regarding **claim 22**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that the SMS can be displayed at predefined intervals of time or at a certain time (see column 4, lines 52-65), which reads on the claimed “means for determining

whether a trigger has been met for stored dynamic data". Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "means for determining, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "means for posting the data to the session if the data is appropriate".

Regarding **claim 23**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed "means for detecting the initiation of a session; means for determining whether stored static data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed "means for posting the stored data to the session if the stored data is appropriate".

Regarding **claim 25**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed "out-of-band message" because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3), which reads on the claimed data push manager that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such

category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed "pushed data" because they originate from a supplier (server-initiated). The above description reads on the claimed "service access manager operable to receive an out-of-band message at a mobile unit and analyze the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the predetermined criteria is the subscriber's subscription to the particular service, such as "Sports service," or "News service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39). The combination of Alperovich et al and Laflin fails to expressly disclose the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session.

In a similar field of endeavor, Kadyk discloses a system where a message is compared with filtering criteria to determine whether to accept or reject the message (see e.g. figure 11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al and Laflin et al with Kadyk to include the above filtering function in order to provide only information desired by the user, conserving power and space as suggested by Kadyk (see page 22, line 9 – page 23, line 20).

Regarding **claim 26**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that a message can be displayed at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed “dynamic data”, and that the MS receives SMS messages and stores them within the SIM card (see Alperovich et al column 4, lines 33-37), which reads on the claimed “analyze the data to determine if it is static or dynamic and to initiate storing the data if it is static”.

Regarding **claim 27**, the combination of Alperovich et al, Laflin et al and Kadyk discloses the use of a reminder indicator (see Alperovich et al column 4, line 66 – column 5, line 7), which reads on the claimed “analyzing the data comprises determining whether an indicator in the data indicates that the data is dynamic”.

Regarding **claim 28**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that once the subscriber views the SMS message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see Alperovich et al column 6,

lines 4-34), which reads on the claimed “determine, if the data is dynamic, whether to store the data; and to initiate storing the dynamic data if it should be stored”.

Regarding **claim 30**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that the SMS can be displayed at predefined intervals of time or at a certain time (see Alperovich et al column 4, lines 52-65), which reads on the claimed “determine whether a trigger has been met for stored dynamic data”. Also, the SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed “determine, if a trigger has been met, whether the data is appropriate for a session currently being hosted by the mobile unit”. Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed “post the data to the session if the data is appropriate”.

Regarding **claim 31**, the combination of Alperovich et al, Laflin et al and Kadyk discloses that an SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see Alperovich et al column 5, lines 35-44), which reads on the claimed “detect the initiation of a session; determine whether stored static data is appropriate for a session currently being hosted by the mobile unit”. Once the MS registers with the MSC/VLR for the location area

Art Unit: 2617

corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see Alperovich et al column 5, lines 44-49), which reads on the claimed “post the stored data to the session if the stored data is appropriate”.

Regarding **claim 33**, Alperovich et al discloses a system for organizing SMS messages sent to a mobile terminal based on the location of the mobile terminal or the time of delivery of the SMS messages (see column 3, lines 26-44). An SMS message reads on the claimed “out-of-band message” because it is not carried out on the same channel that a call is carried out and there is no need to inspect the payload of in-band messages to receive a SMS message. In the system disclosed by Alperovich, a SMS message is associated with a priority indicator (see column 4, lines 7-28) and/or a location indicator, which includes a location area where the MS should be when the SMS message is displayed (see column 5, lines 26-35). When the MS is in the area corresponding to the location indicator, the SMS message is displayed or sent to the user by the SMS Service Center (see column 5, line 26 – column 6, line 3), which reads on the claimed invention that determines whether the data is appropriate for a session currently being hosted by the mobile unit and posting the data to the session if the data is appropriate for the session. A message can be displayed at a certain time (see column 4, lines 52-65), which reads on the claimed “dynamic data”, and that the MS receives SMS messages and stores them within the SIM card (see column 4, lines 33-37), which reads on the claimed “analyzing the data to determine if it is static or dynamic” and “initiate storing the data if it is static”. Once the subscriber views the SMS

Art Unit: 2617

message 420, the subscriber has the option of erasing the SMS message from memory, storing the SMS message in memory for later retrieval, or moving the SMS message to an action list within the SIM card, or other memory. Thus, the receiving subscriber can store the SMS message until a time or location defined by the receiving subscriber occurs (see column 6, lines 4-34), which reads on the claimed "determine, if the data is dynamic, whether to store the data; and to initiate storing the dynamic data if it should be stored". An SMS message can have location information associated with it and when the MS 400 changes location, such as when the MS 400 moves to a different location area, all location dependent messages are checked (see column 5, lines 35-44), which reads on the claimed "detect the initiation of a session; determine whether stored static data is appropriate for a session currently being hosted by the mobile unit". Once the MS registers with the MSC/VLR for the location area corresponding to the location information, the SMS-org application will display the SMS message on the MS display to the subscriber (see column 5, lines 44-49), which reads on the claimed "post the stored data to the session if the stored data is appropriate". Alperovich et al fails to expressly disclose determining if a message contains pushed data.

In a similar field of endeavor, Laflin et al discloses a system for receiving incoming messages, providing a location in memory for storing the decoded messages according to categories, storing, for each such category, an associated list of identifying data, and comparing data in a decoded message to the stored identifying data. If a match is found, the decoded message is stored in memory under the category associated with the matching identifying data (see column 4, lines 51-62). One such

Art Unit: 2617

category is referred to as information services, meaning information from a supplier (usually a commercial supplier) of information such as news, stock quotes, etc. (see column 2, lines 32-38). The information service messages read on the claimed "pushed data" because they originate from a supplier (server-initiated). The above description reads on the claimed "analyzing the message to determine if it contains pushed data, wherein the pushed data reflects a server initiated data transfer that is based on predetermined criteria," wherein the predetermined criteria is the subscriber's subscription to the particular service, such as "Sports service," or "News service."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Alperovich et al with Laflin et al to include the above organizing of data in order to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information as suggested by Laflin et al (see column 12, lines 35-39). The combination of Alperovich et al and Laflin fails to expressly disclose the determining and posting operations cooperate in order to achieve a filtering function for the mobile unit such that only selected data is posted to the session.

In a similar field of endeavor, Kadyk discloses a system where a message is compared with filtering criteria to determine whether to accept or reject the message (see e.g. figure 11).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al and Laflin et al with Kadyk to

Art Unit: 2617

include the above filtering function in order to provide only information desired by the user, conserving power and space as suggested by Kadyk (see page 22, line 9 – page 23, line 20).

Claims 5, 13, 21, 29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al in view of Laflin et al and Kadyk as applied to claims 4, 12, 20, 28 and 25 above, and further in view of what is well known in the art.

Regarding **claims 5, 13, 21, 29 and 32**, the combination of Alperovich et al, Laflin et al and Kadyk fails to disclose an indicator to indicate that the data should be stored. However, the examiner takes official notice that the use of indicators is well known in the art and that the addition of this indicator is not critical to the invention, further, the function of determining whether to store a message is disclosed by the combination of Alperovich et al, Laflin et al and Kadyk (see rejections of claims 4, 12, 20, 28 and 31 above).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al, Laflin et al and Kadyk to include the above use of indicators in order to assist in identification and handling of messages.

Claims 8, 16, 24 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alperovich et al in view of Laflin et al and Kadyk as applied to claims 1, 9, 17 and 25 above, and further in view of Yuan (US20010041571A1).

Regarding **claims 8, 16, 24 and 32**, the combination of Alperovich et al, Laflin et al and Kadyk fails to disclose the use of an agent advertisement message.

In a similar field of endeavor, Yuan discloses a system where the foreign agent 82 and the home agent 70 advertise their presence with agent advertising messages that use extensions of the router advertisement Internet Control Message Protocol (see page 2, paragraph 21).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Alperovich et al and Laflin et al with Yuan to include the above agent advertisement message in order to allow the foreign agent to advertise its presence as suggested by Yuan (see paragraph 21), and the combination of Alperovich et al, Laflin et al and Kadyk disclose the receiving of different categories of messages and this would simply be another category.

Response to Arguments

Applicant's arguments filed August 1, 2006 have been fully considered but they are not persuasive.

The Applicant argues Alperovich cannot analyze the message to determine if it contains pushed data, determine if the message contains pushed data, whether the pushed data is appropriate for a session currently being hosted by the mobile unit, and post the pushed data to the session if the data is appropriate for the session. The Examiner does not rely upon Alperovich to disclose these limitations; instead, Laflin and Kadyk are relied upon for these limitations.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, The motivation to combine Alperovich with Laflin is contained in Laflin: to allow the user easier access to stored information because the user can call up and display only the messages in the category or sub-category in question and there is no need to scroll through several categories of messages to find a specific item of information (see Laflin column 12, lines 35-39).

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation to combine Alperovich and Laflin with Kadyk can be found in Kadyk: to provide only information desired by the user, conserving power and space (see Kadyk page 22, line 9 – page 23, line 20).

The Applicant argues there is nothing in any reference that provides a coherent filtering function for the mobile device. The Examiner respectfully disagrees. Kadyk discloses a system where a message is compared with filtering criteria to determine whether to accept or reject the message (see e.g. figure 11).

The Applicant makes similar arguments with respect to the remainder of claims, however, for the same reasons outlined above, the Examiner respectfully disagrees.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

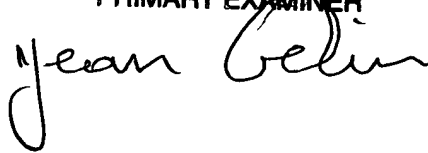
Art Unit: 2617

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox
October 13, 2006

JEAN GELIN
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read "Jean Gelin", written over the printed name and title.